

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PATTY BEALL, MATTHEW MAXWELL, \$
DAVID GRAVLEY, TALINA MCELHANY, \$
KELLY HAMPTON, CASEY BROWN, \$
JASON BONNER, KEVIN TULLOS, \$
ANTHONY DODD, ILENE MEYERS, \$
TOM O’HAVER, JOY BIBLES, DON \$
LOCCHI AND MELISSA PASTOR , \$
Individually and on behalf of all others \$
similarly situated; \$

Plaintiffs,

2:08-cv-422 TJW

**TYLER TECHNOLOGIES, INC. AND
EDP ENTERPRISES, INC.
Defendants.**

**PLAINTIFFS' MOTION TO SHORTEN TIME FOR DEFENDANTS TO RESPOND TO
PLAINTIFFS' MOTION TO COMPEL DISCLOSURE OF EMAIL ADDRESSES, AND
REQUEST FOR ENLARGEMENT OF NOTICE PERIOD**

Plaintiffs, Patty Beall, Matthew Maxwell, David Gravley, Talina McElhany, Kelly Hampton, Kevin Tullos, Casey Brown, Jason Bonner, Anthony “Tony” Dodd, Ilene Meyers, Don Locchi, and Melissa Pastor, on behalf of themselves and all others similarly situated, current and former employees of Defendants, Tyler Technologies, Inc. and/or EDP Enterprises, Inc., file this their Motion to Shorten Time for Defendants to Respond to Plaintiff’s Motion to Compel the Disclosure of Email Addresses and Request for Enlargement of Notice Period, (Attached hereto as Exhibit “A”), and would show the Court as follows:

I. INTRODUCTION

1.1 Plaintiffs sought and were granted conditional certification of a collective action

seeking overtime compensation under the FLSA. The Court's Memorandum Opinion and Order signed on June 23, 2009, ordered Defendants to "provide the plaintiffs' counsel with the names, job titles, addresses, telephone numbers, Social Security numbers, and email addresses, where available, of the potential class members...within twenty (20) days."

1.2 Defendant did not disclose the work email addresses it admittedly has in violation of the courts unambiguous order, thus depriving the Class of receiving notice via email.

III. ARGUMENT

2.1 The court may grant a request to shorten the response time on a showing of good cause. Even if no good cause is shown, the court has discretion to shorten the time for Defendants to respond to Plaintiff's Motion to Compel the Disclosure of Email Addresses and Request for Enlargement of Notice Period.

2.2 Plaintiffs ask the court to grant a shorter time for Defendants to respond because the Class Notice Period ends on September 29, 2009, leaving only 32 days for resolution of this motion and providing email notice to the Class. Plaintiffs believe that six (6) days for Defendants' to respond to the Motion is adequate, given the nature of the Motion.

CONCLUSION

_____ For these reasons, Plaintiffs request that the Court grant Plaintiffs Motion to Shorten the Time for Defendants to Respond to Plaintiffs' Motion to Compel the Disclosure of Email Addresses and Request for Enlargement of Notice Period to six (6) days, so as not to prejudice the potential class members.

Respectfully submitted,

SLOAN, BAGLEY, HATCHER & PERRY
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/s/ Laureen F. Bagley

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on this the 28th day of August, 2009, a true and correct copy of this document was sent via electronic mail to the following:

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/s/ Laureen F. Bagley
Laureen F. Bagley

CERTIFICATE OF CONFERENCE

I certify that on August 27th and 28th, 2009, I conferred with Defense Counsel, Paulo McKeeby, via telephone regarding Plaintiff's Motion to Shorten Time for Defendants to Respond to Plaintiffs Motion to Compel the Disclosure of Email Addresses and Request for Enlargement of Notice Period in compliance with Local rule CV-7(h). After discussing the Motion, Defense counsel advised that he was opposed to the Motion.

By: /s/ Laureen F. Bagley

LAUREEN F. BAGLEY

*Plaintiffs' Motion to Shorten Time for Defendants to Respond to Plaintiffs Motion
to Compel Disclosure of Email Addresses and Request for Enlargement of Time*